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EXAMINER

TRAORE, FATOUUMATA

ART UNIT	PAPER NUMBER
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2136

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)
	10/731,020	MOURAD, MAGDA
	Examiner	Art Unit
	Fatoumata Traore	2136

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 23 April 2007.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-21 and 23-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-21 and 23-39 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 10 December 2003 is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>12/10/2003</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application
	6) <input type="checkbox"/> Other: _____.

DETAILED ACTION

1. Applicant's amendment filed on April 23, 2007 has been entered. Claims 1-21, 23-39 are pending. Claim 22 is cancelled by the applicant and claims 1, 4, 17, 39 are also amended by the applicant.

Specification

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: claim 39 is drawn to a computer program product, which applicant has defined in the specification (page 8, lines 6-11) to encompass an electronic transmission signal. The Office considers an electronic signal to be a form of energy. Energy is not a series of steps or acts and this is not a process. Energy is not a physical article or object and as such is not a machine or manufacture. Energy is not a combination of substances and therefore not a compilation of matter. Thus, an electronic transmission signal does not fall within any of the four categories of invention. Appropriated correction is required.

Response to Amendment

3. The following remarks/comments are based in response to applicant 's amendments and arguments filed on April 24, 2007.

Regarding Claim 1:

Applicant has amended the claim to recite the following limitation "***wherein the download of the authoring application includes checking a client browser's version and downloading a DRM extension appropriate for the browser's version***" which was previously cited in claim 4 and rejected by the examiner over Woo et al. The examiner respectfully proposes that the cited section is in fact applicable to the present invention. First, applicant is respectfully reminded that during patent examination, the pending claims must be given their broadest reasonable interpretation consistent with the specification "(Phillips v. AWH Corp, 415 F.3d 1303, 75 USPQ2d 1321 (Fed. Cir. 2005)). See MPEP 2111.

Applicant stated that Woo et al does not disclose each of the features of claim 1. "***For example, Applicant submits that Woo at least does not disclose checking the client browser's version and downloading the DRM extension appropriate for the browser's version. As addressed under the § 103(a) rejection of original claim 4***"

The examiner respectfully disagrees with Applicant and still maintains the rejection.

Woo et al discloses in paragraphs [0162] that the "***DRM controller 141 may be downloaded and installed automatically using ActiveX control method. After installing process of the DRM controller 141, the DRM controller may be checked with version number and only upgraded when a new version is released***". Therefore, it is maintain that Woo et al meets the claimed limitation. In fact, the court explained that "reading a claim in light of the specification, to

thereby interpret limitations explicitly recited in the claim, is a quite different thing from reading limitations of the specification into a claim, to thereby narrow the scope of the claim by implicitly adding disclosed limitations which have no express basis in the claim." See MPEP 2111, In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969), and also In re Morris, 127F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir.1997).

Therefore, the examiner submits that Woo et al discloses each and every feature of claim 1 and respectfully maintains the rejection.

Regarding Claim 27:

Applicant submits that Woo does not disclose each of these features. For example, Applicant submits that Woo at least does not disclose ***a portal server to permit authoring of at least one shareable content object (SCO) having one or more assets.***

The examiner respectfully disagrees with the applicant and still maintains the rejection. In response Applicant's argument the examiner is now referring to a new portion of the prior art, which better explained the limitation of the claimed invention. Woo et al (see page 1 paragraph 0011 in addition of the cited paragraphs) discloses that ***the streaming technology, which is the process of playing a digital file while it is still downloading and lets a user view and hear digitalized content such as video, sound, and animation".***

There is no new ground of rejection when the basic thrust of the rejection remains the same such that an appellant has been given a fair opportunity to react to the rejection. See *In re Kronig*, 539 F.2d 1300, 1302-03, 190 USPQ 425, 426-27 (CCPA 1976). MPEP 2107.03.

To the extent that the response to the applicant's arguments may have mentioned new portions of the prior art references, which were not used in the prior office action, this does not constitute new ground of rejection. It is clear that the prior art reference is of record and has been considered entirely by applicant. See *In re Boyer*, 363 F.2d 455, 458 n.2, 150 USPQ 441, 444, n.2 (CCPA 1966) and *In re Bush*, 296 F.2d 491, 496, 131 USPQ 263, 267 (CCPA 1961). Therefore, the examiner submits that Woo et al discloses each and every feature of claim 27 and respectfully maintains the rejection.

Regarding Claim 32:

Applicant submits that Woo does not disclose each of these features. For example, Applicant submits that Woo at least does not disclose ***an automatic validation component adapted to ensure conformance of the unprotected digital content to Shareable Content Object. Reference Model (SCORM) standards and providing error messages to enable correction.***

The examiner respectfully disagrees with the applicant and still maintains the rejection. In response to applicant argument the examiner is now referring to a

new portion of the prior art, which better explained the limitation of the claimed invention. Wood et al (see page 5, paragraphs 0083-0090).

There is no new ground of rejection when the basic thrust of the rejection remains the same such that an appellant has been given a fair opportunity to react to the rejection. See *In re Kronig*, 539 F.2d 1300, 1302-03, 190 USPQ 425, 426-27 (CCPA 1976). MPEP 2107.03.

To the extent that the response to the applicant's arguments may have mentioned new portions of the prior art references, which were not used in the prior office action, this does not constitute new ground of rejection. It is clear that the prior art reference is of record and has been considered entirely by applicant. See *In re Boyer*, 363 F.2d 455, 458 n.2, 150 USPQ 441, 444, n.2 (CCPA 1966) and *In re Bush*, 296 F.2d 491, 496, 131 USPQ 263, 267 (CCPA 1961).

Therefore, the examiner submits that Woo et al discloses each and every element feature of claim 32 and respectfully maintains the rejection.

Regarding Claim 39:

Applicant has amended the claims to recite the limitation "***a fourth computer code to provide a common interface personalized to a user's profile and role to facilitate one of accessing or downloading the first computer code.***"

It is noted, however, such this limitation was not previously recited in the claims. As such, this limitation is being treated as a newly added limitation and will be examined and argued accordingly. On page 17 of the reply applicant argued that

the applied prior art fails to discloses the newly added limitation. However, upon closer review of the second reference (Bushse et al), it is submitted that the prior art of the record discloses such feature.

In response to applicant amendment the examiner is now referring to the second prior art, which better explained the limitation of the claimed invention. Bushse et al (see page 1, paragraphs 0006).

In accordance with the invention, a system for distributing digital products from a client to consumers comprises one or more digital processors including a plurality of software components interconnected by a common messaging language.

- a. The basic components (first computer code) include a Client Interface Component accessible to clients to allow a client to set up and manage an offer of digital products for sale or subscription.
- b. An Offer Catalog Component (second computer code) accessible to consumers provides consumers with a listing of the products available from a client.
- c. An Account Management System processes consumer purchase orders, and a Rights Locker Component (first computer code) issues purchased products and associated intellectual property rights (if needed) to consumers.

d. An Order Management System (first computer code) coordinates cataloging, the management of accounts and the delivery of products.

Therefore, the examiner submits that Buhse et al discloses each and every element feature of claim 39 and respectfully maintains the rejection.

Regarding Claim 17:

Applicant submits that Buhse does not disclose each of these features. For example, Applicant submits that Buhse at least does not ***disclose logging onto a portal server to perform any of the steps, wherein the portal server provides a common interface personalized to a user's profile and role.***

The examiner respectfully disagrees with the applicant and still maintains the rejection.

In response to applicant amendments and arguments the examiner is now referring to a new portion of the prior art, which better explained the limitation of the claimed invention

Claim 17 recites the following limitation

- a. Creating a package containing one or more shareable content objects (SCOs)(paragraph 0028-0032);
- b. Assigning digital rights management (DRM) to the one or more SCOs (paragraph 0033-0037); updating an on-line electronic store (e-Store) with the one or more SCOs;

- c. Making the one or more SCOs available for searching and downloading at a client, wherein access to the one or more SCOs is controlled by the DRM, and the one or more SCOs include one or more assets individually controllable (paragraph 0035); and
- c. Logging onto a portal server to perform any of the steps, wherein the portal server provides a common interface personalized to a user's profile and role (***Subscription management operations are processed through AMC. These operations allow a client (affiliate) to create custom subscription plans based on their own business rules***) (paragraphs 0034 and 0084).

Therefore, the examiner submits that Bushse et al discloses each and every element feature of claim 17 and respectfully maintains the rejection.

Regarding Claims 4, 6-8, 11-14, 18-20, 23, 25, 26, 29, 31, 35-38. The examiner maintains the rejection based on the same rational as applied to independent claims 1, 17, 27, and 32.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-3, 5, 9,10, 15,16, 27, 30, 32-34 are rejected under 35 U.S.C. 102(e) as being anticipated by Woo et al (US 2005.0086501).

Claim 1: Woo et al discloses a digital content information protection system comprising:

- i. Accessing an authoring application for creating a shareable content object (SCO), the accessing being through at least one of a web based remote access and a download of the authoring application (the purpose of this invention supposes a method and system to facilitate the information protection of digital content transferred by streaming and download service through wire or wireless internet network (page 1, paragraph 1);
- ii. Composing a shareable content object (SCO) representing one or more assets using the authoring application (the digital content in this

invention is a digital file including such as movie, sound, image, software, game, online education, etc) (page1, paragraph 1);

iii. Assigning a digital rights to the SCO to secure the one or more assets (the present invention suggest a new content service of streaming and download method to support an encryption, distribution, and decryption of content and to allow a proper content usage (page 1, paragraph 1); and

iv. Individually controlling access to the SCO and the one or more assets by utilizing the assigned digital rights to the SCO or the one or more assets (the invention suggest a drastic preventon method of copy right infringement such as illegal copy and unauthorized distribution of digital content) (page 1, paragraph 1).

Claim 2: Woo et al discloses a digital content information protection system as in claim 1 above, and further discloses that the accessing step includes: accessing an on-line portal server to obtain registration information; and registering as an author of learning objects (providing means for holding the encrypted content package and providing the encrypted content package to users online) (page 3, paragraph 31).

Claim 3: Woo et al discloses a digital content information protection system as in claim 2 above, and further discloses that the registration step includes

receiving a registration confirmation that includes at least one of a user-id, a password, a login uniform resource locator (URL) and a universal resource identifier (URI) (the user authentication of ID and password is needed to connect with digital right management server (page 8, paragraph 157 and 163).

Claim 5: Woo et al discloses a digital content information protection system as in claim 1 above, and further discloses that the assigning step includes: logging on to a digital packager; uploading a package containing the SCO and a metadata file (the encrypting and uploading step of converting original contents into encrypted content package using one or more encryption keys of a DRM server and uploading the encrypted content package to content server (page 6, paragraph 104); and triggering a digital rights management (DRM) packager to assign digital rights to at least one of the SCO and the one or more assets and the package (the initiating and connecting step of connecting the client system to the content server and initiating downloading service by a user selecting contents in a web or ftp server) (page 6, paragraphs 105).

Claim 9: Woo et al discloses a digital content information system as in claim 1 above, and further comprising assigning digital rights to the one or more assets a (a DRM sever component for managing generation of encryption keys and issuance of license) (page 3, paragraph 41) and encrypting at least one of the SCO and one or more assets (encryption means for encrypting original contents

using one or more encryption keys and generating content package (page 3, paragraph 30).

Claim 10: Woo et al discloses a digital content information protection system as in claim 1 above, and further discloses that the assigning digital rights step assigns rights to the one or more assets to independently access the one or more assets under control of the assigned digital rights (the content packager requesting and obtaining one or more encryption keys from the DRM server (page 5, paragraph 69).

Claim 27: Woo et al discloses a digital content information protection system comprising:

- a. A portal server to permit authoring of at least one shareable content object (SCO) having one or more assets (the step of the web or ftp sever sending content identification information and user identification information to the DRM controller) (page 5, paragraph 74);
- b. A digital rights management (DRM) content packager accessible via the portal server which assigns digital rights to the at least one shareable content object (SCO) (a DRM sever component for managing generation of encryption keys and issuance of licenses (page 3, paragraph 41);

- c. A DRM license server which assigns license criteria to the at least one SCO and the one or more assets (a DRM license issuer for issuing an encrypted license package in response to a request of the DRM controller) (page 3, paragraph 42);
- d. And a content manager which stores or retrieves the at least one SCO and the one or more assets (a DRM sever database for storing various contents content information) (page 3, paragraph 40).

Claims 15, 30: Woo et al discloses a digital content information system as in claims 1 and 27 above, and further discloses that in the composing step the one or more assets include at least one of a video asset, a text asset, a music asset, and a learning asset (the digital content in this invention is a digital file including such as movie, sound, image, software, game, online education, etc) (page1, paragraph 1).

Claim 16: Woo et al discloses a digital content information protection system as in claim 1 above, further comprising packaging a content aggregation file separately from the SCO and any asset files, wherein the content aggregation file includes for the SCO: an associated metadata file, a manifest file, a content packaging information, and encrypted rights (in a preferred embodiment, encrypted content package comprises at least a data object portion that are

encrypted contents and a header object portion that are non-encrypted meta data) (page 4, paragraph 54).

Claim 32: Woo et al discloses a digital content information protection system comprising:

A secure uploading service capable of receiving unprotected digital content having one or more parts, associated metadata, and one or more promotional materials (encrypting and uploading step of converting original contents into encrypted content package using one or more encrypting keys of a DRM sever and uploading the encrypted content package to a content server (page 6, paragraph 104);

An automatic validation component adapted to ensure conformance of the unprotected digital content to Shareable Content Object Reference Model (SCORM) standards and providing error messages to enable correction (the network filter driver uses a transmission control protocol or user diagram protocol additionally having a function of correcting received data (page 4, paragraph 50); and

A digital rights generation layer having one or more components adapted to provide a web-based interface for specifying different rights to the one or more parts for providing protected digital content (the present invention suggest a new content service of streaming and download method to support an encryption,

distribution, and decryption of content and to allow a proper content usage (page 1, paragraph 1).

Claim 33: Woo et al discloses a digital content information protection system as in claim 32 above, further discloses a means for generating digital rights files and associating the digital rights files with the digital content by embedding links into a metadata right field within corresponding metadata files (a DRM sever component for managing generation of the encryption keys and issuance of license (page 3, paragraph 41).

Claim 34: Woo et al discloses a digital content information protection system as in claim 33 above, further comprising a transparent web service for automatically encrypting the protected digital content and the rights files, wherein the digital rights generation layer provides content protection services (encryption means for encrypting original contents using one or more encryption keys (page 3, paragraph 30).

Claim 39: Woo et al discloses a digital content information protection system comprising:

- i. A first computer to compose a shareable content object (SCO) representing one or more assets (the digital content in this invention is a

digital file including such as movie, sound, image, software, game, online education, etc) (page1, paragraph 1);

ii. A second computer code to assign a digital rights to the SCO to secure the one or more assets(the present invention suggest a new content service of streaming and download method to support an encryption, distribution, and decryption of content and to allow a proper content usage (page 1, paragraph 1); and

iii. A third computer code to individually access the SCO and the one or more assets, wherein the access to the SCO and the one or more assets is individually controlled by the assigned digital rights (the purpose of this invention supposes a method and system to facilitate the information protection of digital content transferred by streaming and download service through wire or wireless internet network (page 1, paragraph 1).

6. Claims 17-20, 23-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Bushe et al (US 2004/0024652).

Claim 17: Buhse et al discloses a system for distributing digital products subject to intellectual property right comprising:

a. Creating a package containing one or more shareable content objects (SCOs) (catalog component) (page 2, paragraph 28);

- b. Assigning digital rights management (DRM) to the one or more SCOs (the order management system use right locker component to provide intellectual property rights and security feature (page 2, paragraph 37);
- c. Updating an on-line electronic store (e-Store) with the one or more SCOs (a client application packages application digital content through automated packaging component, and the system updates the catalog. The catalog is distributed to the retailer network (page 2, paragraph 35);
- d. And making the one or more SCOs available for searching and downloading at a client, wherein access to the one or more SCOs is controlled by the DRM, and the one or more SCOs include one or more assets individually controllable (The client interface component accessible by clients allows each client to set up and manage its offer of digital products for sale. The offer catalog provides customers with a listing of digital products available from each client) (page 2, paragraph 29).

Claim 18: Buhse et al discloses a system for distributing digital products subject to intellectual property right as in claim 17 above, and further discloses that the step of creating a package contains a content aggregation file containing at least one of a metadata, a manifest, content packaging information, and a encrypted rights for each SCO in the package (the system provides a complete solution for

account management, packaging, catalog aggregation and content management, rights locker and complete reporting (page 2, paragraph 38).

Claim 19: Buhse et al discloses a system for distributing digital products subject to intellectual property right as in claim 17 above, and further discloses that the package is uploaded in a compressed format and place in digital container (the automated Package Component consist of an overall framework (page 9, paragraph 201).

Claim 20: Buhse et al discloses a system for distributing digital products subject to intellectual property right as in claim 17 above, and further discloses that the step of storing the package in a learning objects repository for later retrieval by an on-line learning management system when the one or more SCOs is at least one of searched and accessed (The Rights Locker Component (RLC) record consumer preferences. The information provided by the retailer is then recorded in the RLC. A fuzzy logic matching capable in conjunction with catalog searches make helpful product suggestion and help direct the consumer. A central play list allows consumers to access to their personal play list from any device) (page7, paragraph 160).

Claim 23: Buhse et al discloses a system for distributing digital products subject to intellectual property right as in claim 17 above, and further comprising:

Logging onto an electronic store (e-store) to access the one or more SCOs (the catalog can be sent via FTP under distributor accounts with login/password protection) (page 5, paragraph 104);

And generating promotional material (fig 2 illustrates a promotional scenario wherein a consumer receives a digital product at no cost in exchange for leaving valuable user information (page 4, paragraph 64);

And supplying parameters indicating at least one of: a package ID, whether each of the SCOs is encrypted, whether the one or more SCOs are to be delivered via on-line or off-line mode, whether the package is a course or SCO, a license server address, content manager address, and whether the promotional contents are packaged into a secure container (the offer catalog component accessible by customers provide customer with a listing of the digital products available from each client) (page 2, paragraph 29).

Claim 25: Buhse et al discloses a system for distributing digital products subject to intellectual property right as in claim 17 above, and further comprising:

- i. Extracting information including thumbnail promotional material from a content aggregation (CA) file (the offer catalog component (OCC) maintains the content catalog database that contains product and offer information for supported digital content. The OCC also provides information about the product content. The OCC can work with 3rd party

providers of promotional catalog and facilitate their integration to provide update digital catalogs (page 5, paragraph 102);

ii. Ingesting the one or more SCOs and CA file into a catalog using the information (a client application packages application digital content through automated packaging component, and the system updates the catalog. The catalog is distributed to the retailer network (page 2, paragraph 35);

iii. And storing the thumbnail promotional material into the catalog and associating the promotional material with the one or more SCOs, wherein the thumbnail promotional material and one or more SCOs are searchable (The client interface component accessible by clients allows each client to set up and manage its offer of digital products for sale. The offer catalog provides customers with a listing of digital products available from each client) (page 2, paragraph 29).

Claim 26: Buhse et al discloses a system for distributing digital products subject to intellectual property right as in claim 17 above, and further discloses that the one or more assets are at least one of a video asset, a text asset, a music asset, and a learning asset (the store information include products purchased and rights granted (burn-to-cd, download to pd) (page 7, paragraph 157).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 4, 37, 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Woo et al (US 2005/0086501).

Claim 4: Woo et al discloses a digital content information protection system as in claim 2 above, and further discloses that the download of the authoring application includes: checking the client browser's version and downloading the DRM extension appropriate for the browser's version; (DRM is downloaded and installed automatically using active x control method. After the installation process, the DRM controller is checked with version number and upgraded if appropriate) (page 9, paragraph 161).

Accessing an application to create SCO rights metadata and promotional material (the purpose of this invention supposes a method and system to facilitate the information protection of digital content transferred by streaming and download service through wire or wireless internet network (page 1, paragraph 1);

And generating a public key pair for the client for encryption purposes and sending a private key to the client, wherein the accessing the application to create SCO rights metadata occurs through one of a web based remote access and a download the application (DRM server generates an encryption key with random size using a pseudorandom number algorithm (page 8, paragraph 158). Examiner considers it immaterial as to which encryption technique was used to encrypt data. It would have been obvious to one having ordinary skill in the art at the time of the invention made that the information content protection system use an asymmetric encryption. One would have been motivated to do so in order to increase data integrity.

Claim 37: Woo et al discloses a digital content information protection system as in claim 32 above, and further discloses that the rights generation layer has a public-key certificate by a certificate authority indicating that all the components are trusted. (DRM server generates an encryption key with random size using a pseudorandom number algorithm (page 8, paragraph 158). Examiner considers it immaterial as to which encryption technique was used to encrypt data. It would

have been obvious to one having ordinary skill in the art at the time of the invention made that the digital content protection system use an asymmetric encryption. One would have been motivated to do so in order to increase data integrity.

Claim 38: Woo et al discloses a digital content information protection system as in claim 32 above, and further discloses that the digital rights generation layer provides updating and version control capabilities of the protected digital content and any associated metadata files. (DRM is downloaded and installed automatically using active x control method. After the installation process, the DRM controller is checked with version number and upgraded if appropriate) (page 9, paragraph 161). It would have been obvious to one having ordinary skill in the art at the time of the invention was made to include a version control feature. One would have been motivated to do so in order to facilitate the use of DRM software.

9. Claims 6, 7, 8, 11-14, 28, 29, 31, 35, 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Woo et al (US 2005/0086501) in view of Buhse et al (US 2004/0024652).

Claim 6: Woo et al discloses a digital content information protection system as in claim 5 above, but does not discloses that the triggering step includes assigning a price level to one of the SCO and the one or more assets controlled by the assigned digital rights. However, Buhse et al discloses a similar system for

distributing digital products subject to intellectual property right, and further discloses that one of the triggering step is checking out the product after providing payment information (page 3, paragraph 48). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to include the price as a triggering step. One would have been motivated to include the price in order to facilitate the transaction.

Claim 7: Woo et al discloses a digital content information protection system as in claim 5 above, but does not discloses that parsing the package to extract structure and titles; and assigning a package ID with a package name to the SCO. However, Buhse et al discloses a similar system for distributing digital products subject to intellectual property right, and further comprising: parsing the package to extract structure and titles; and assigning a package ID with a package name to the SCO (the offer catalog component (OCC) maintains the content catalog database that contains product and offer information for supported digital content. The OCC also provides information about the product content. The OCC can work with 3rd party providers of promotional catalog and facilitate their integration to provide update digital catalogs (page 5, paragraph 102). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to assign an ID to the package. One would have been motivated to do so in order to maintain data integrity.

Claim 8: Woo et al discloses a digital content information protection system as in claim 1 above, but does not discloses generating promotional material and thumbnail for use in an electronic store (eStore) to provide searching and discovery capability, and storing the promotional material and the SCO in an on-line catalog. However, Buhse et al discloses a similar system for distributing digital products subject to intellectual property right that further discloses generating promotional material and thumbnail for use in an electronic store (eStore) to provide searching and discovery capability (a fuzzy logic matching capability in conjunction with catalog searches makes helpful product suggestions) (page 7, paragraph 160); and storing the promotional material and the SCO in an on-line catalog (the offer catalog component (OCC) maintains the content catalog database that contains product and offer information for supported digital content. The OCC also provides information about the product content. The OCC can work with 3rd party providers of promotional catalog and facilitate their integration to provide update digital catalogs (page 5, paragraph 102). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to generate promotional material for use in eStore. One would have been motivated to do so for advertising purpose.

Claim 11: Woo et al discloses a digital content information protection system as in claim 5 above, but does not discloses the step of placing the SCO, the metadata file and a promotional file into a digital container. However, Buhse et

al discloses a similar system for distributing digital products subject to intellectual property right that further discloses that the system provides a complete solution for account management, packaging, catalog aggregation and content management (page 2, paragraph 37). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to include the product into a digital container. One would have been motivated to do in order to maintain data integrity.

Claim 12 Woo et al and Buhse et al disclose a digital content information protection system as in claim 11 above, and Woo et al further discloses that the placing step includes at least one of assigning digital rights to the SCO and encrypting the one or more assets using randomly generated symmetric keys of the associated SCO (DRM server generates an encryption key using Pseudorandom number algorithm (page 8 paragraph 158). Therefore, It would have been obvious to one having ordinary skill in the art at the time of the invention to use randomly generated symmetric keys encryption. One would have been motivated to do so in order to increase data integrity.

Claim 13: Woo et al and Buhse et al disclose a digital content information protection system as in claim 12 above, and Woo et al further discloses that the digital rights include at least one of price, user identity, and length of use (usage rights including at least a count of use and a period of use of the contents and

terminal restriction information) (page 4, paragraph 61). It would have been obvious to one having ordinary skill in the art at the time of the invention to include usage rights conditions. One would have been motivated to do so in order to build up the copyright protection and proper distribution.

Claim 14: Woo et al and Buhse et al disclose a digital content information protection system as in claim 12 above, and Woo et al further includes a step of placing the randomly generated symmetric keys in the metadata file, and encrypting the metadata file with a public key (encryption means for encrypting original contents using one or more encryption keys and generating a content package (page 3, paragraph 30). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to use an asymmetric encryption. One would have been motivated to do so in order to build up the copyright protection and proper distribution

Claim 28: Woo et al discloses a digital content information protection system as in claim 27 above, and further discloses that the portal server facilitates at least one of: accessing a web base authoring application for creating the at least one SCO the purpose of this invention supposes a method and system to facilitate the information protection of digital content transferred by streaming and download service through wire or wireless internet network (page 1, paragraph 1), and downloading of an client authoring application for creating the at least one SCO (the present invention suggest a new content service of streaming and

download method to support an encryption, distribution, and decryption of content and to allow a proper content usage (page 1, paragraph 1), but Woo et al does not disclose that the portal server provides a common interface personalized to a user's profile and role. However, Buhse et al discloses a similar system for distributing digital products subject to intellectual property right that further discloses the portal server provides a common interface personalized to a user's profile and role (right locker component record consumer preference (page 7, paragraph 160) (and user interface provide customer care interface, customer profiling, recommendations and personalization (page3, paragraph 32). Therefore it would have been obvious to one having ordinary skill in the art at the time of invention to provide access based on user's role and profile. One would have been motivated to do so in order to allow consumer easy access to their personal digital products.

Claim 29: Woo et al discloses a digital content information protection system as in claim 27 above, and further discloses that the DRM content packager communicates with the portal server for uploading the at least one SCO and communicates with a content manager loader for storing the at least one SCO in a learning objects repository (the encrypting and uploading step of converting original content into encrypted content package using one or more encryption keys of DRM sever and uploading the encrypted content package to a content sever (page 4, paragraph 63), but does not discloses that the DRM content parses the package to extract structure and titles of the package, the package

containing the at least one SCO and promotional material. However, Buhse et al discloses a similar system for distributing digital products subject to intellectual property right, and further discloses that the DRM content parses the package to extract structure and titles of the package, the package containing the at least one SCO and promotional material (Offer catalog component sends product IDS to the system as well as confirming whether or not a product is part of a subscription plan (page 2, paragraph 31). Therefore, It would have been obvious to one having ordinary skill in the art at the time of the invention was made to include to extract package structure and titles. One would have been motivated to do so in order to increase data integrity.

Claim 31: Woo et al discloses a digital content information protection system as in claim 27 above, but does not disclose that the at least one SCO is packaged into a digital container, and wherein the each of the at least one SCO and each of the one or more assets is associated with a price controlled by DRM. However, Buhse et al discloses a similar system for distributing digital products subject to intellectual property right and further discloses that the at least one SCO is packaged into a digital container, and wherein the each of the at least one SCO and each of the one or more assets is associated with a price controlled by DRM (the offer catalog component include retailer catalog uploads, consumer request for product) (page 5, paragraph 106). Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention

to include price information. One would have been motivated to do so in order to build up the copyright protection and proper distribution.

Claim 35. Woo et al discloses a digital content information protection system as in claim 32 above, but does not disclose a security manager component and a content repository component. However, Buhse et al discloses a similar system for distributing digital products subject to intellectual property right, and further discloses a security manager component adapted to provide secure communications with client stations and an electronic store (the client interface component accessible by clients, allow each client to set up and manage its offer of digital products for sale or subscription (page 2, paragraph 29); and a content repository component, which prevents any input/output operation, that creates a rights violation when the protected digital content is stored (offer catalog component sends product IDS to the system as well as confirming whether or not a product is part of a subscription plan (page 2, paragraph 31). Therefore, It would have been obvious to one having ordinary skill in the art at the time of the invention was made to include a security manager component and a content repository component. One would have been motivated to do so in order to increase data integrity.

Claim 36: Woo et al discloses a digital content information protection system as in claim 32 above, but does not disclose a means for providing catalog creation

services. However, Buhse et al discloses a similar system for distributing digital products subject to intellectual property right that discloses a means for providing catalog creation services, and further includes invoking web services with a trusted electronic store to create a catalog entry of the protected digital content and any associated promotional material (applicant system provide each client with a virtual store such as a branded website. The system store the client digital products, provide a virtual catalog of the client products (page 2, paragraph 28). Therefore, It would have been obvious to one having ordinary skill in the art at the time of the invention was made to include a catalog creation means. One would have been motivated to do so in order to increase sale of digital products.

10. Claims 21, 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buhse et al (US 2004/0024652) in view of Woo et al (US 2005/0086501).

Claim 21: Buhse et al discloses a system for distributing digital products subject to intellectual property right as in claim 17 above, but does not disclose that assigning DRM include a price information and access limitation. However, Woo et al discloses a similar digital content information protection system, and further discloses that assigning DRM step to the one or more SCOs include assigning a price to each of the one or more SCOs and at least one of the one or more assets, and the assigning the DRM step causes limitation of access to the one or more SCOs by user identity, price, or type of asset (usage rights including at least a count of use and a period of use of the contents and terminal restriction

information) (page 4, paragraph 61). Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention to include an access limitation. One would have been motivated to do so in order to build up the copyright protection and proper distribution.

Claim 24: Buhse et al discloses a system for distributing digital products subject to intellectual property right as in claim 17 above, but does not disclose assigning symmetric key and encrypting each one or more of the SCOs. However, Woo et al discloses a similar digital content information protection system, and further comprising assigning symmetric keys to each one or more SCOs and encrypting each one or more SCOs with the symmetric keys (DRM server generates an encryption key with random size using a pseudorandom number algorithm (page 8, paragraph 158). Examiner considers it immaterial as to which encryption technique was used to encrypt data. It would have been obvious to one having ordinary skill in the art at the time of the invention to use an asymmetric encryption. One would have been motivated to do so in order to increase data integrity.

11. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fatoumata Traore whose telephone number is (571) 270-1685. The examiner can normally be reached Monday through Thursday from 7:00 a.m. to 4:00 p.m. and every other Friday from 7:30 a.m. to 3:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nassar G. Moazzami, can be reached on (571) 272 4195. The fax phone number for Formal or Official faxes to Technology Center 2100 is (571) 273-8300. Draft or Informal faxes, which will not be entered in the application, may be submitted directly to the examiner at (571) 270-2685.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group Receptionist whose telephone number is (571) 272-2100.

FT
Monday July 9, 2007

Nassar G. Moazzami
Supervisory Patent Examiner


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